

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ETOPIA EVANS, <i>et al.</i> ,)	No. 17-16693
)	
Plaintiff – Appellants,)	D.C. No. 3:16-cv-01030-WHA
)	(N.D. Cal., San Francisco)
)	
ARIZONA CARDINALS, <i>et al.</i> ,)	PLAINTIFF’S MOTION TO
Defendants – Appellees.)	SUPPLEMENT THE RECORD
)	
)	

Pursuant to Federal Rules of Appellate Procedure 10(e), Plaintiffs respectfully move to supplement the record with the Second Amended Complaint, **Exhibit A** hereto, to address issues raised in Defendants’ response before this Court and Plaintiffs’ reply in support of their initial brief.

Because the Second Amended Complaint was before the district court when Plaintiff’s RICO claim was dismissed, this Court has the inherent authority to supplement the record on appeal. *See United States v. Garcia*, 997 F.2d 1273, 1278 (9th Cir. 1993) (Federal Rule of Appellate Procedure 10(e) cannot be used “to supplement the record with material not introduced [before the district court] or with findings not made”).

Undersigned is authorized to state that Defendants take no position on this motion.

Plaintiffs thus respectfully ask this Court to supplement the record with and consider the Second Amended Complaint in support of the appeal.

Dated: June 19, 2018 SILVERMAN THOMPSON SLUTKIN & WHITE, LLC

/s/ William N. Sinclair
William N. Sinclair

Attorneys for Plaintiff-Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 19, 2018. Participants in the case who are registered CM/ECF users will receive service through the appellate CM/ECF system.

s/ William N. Sinclair
William N. Sinclair

Attorneys for Plaintiff-Appellants